

ORAL ARGUMENT SCHEDULED DECEMBER 14, 2022

No. 22-1076

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**United States Court of Appeals  
for the District of Columbia Circuit**

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FONTEM US, LLC,  
*Petitioner,*

v.

UNITED STATES FOOD AND DRUG ADMINISTRATION,  
*Respondent.*

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On Petition for Review of an Order of the  
United States Food and Drug Administration

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**UNOPPOSED MOTION TO CONTINUE ORAL ARGUMENT**

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All work supervised by a member of the  
D.C. bar.*

October 17, 2022

*Counsel for Petitioner Fontem US, LLC*

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Petitioner Fontem US, LLC (“Fontem”) respectfully moves, pursuant to D.C. Circuit Rules 27 and 34(g), for a continuance of the date set for oral argument in the above-captioned case. The oral argument date of December 14, 2022, set by Order issued on October 17, 2022, conflicts with an obligation of Andrew D. Prins, who will be presenting oral argument on behalf of Fontem. Counsel for Fontem was preparing a notice to the Court of unavailability at the time the Order scheduling oral argument was issued. Counsel is unavailable December 12 through December 16, 2022. During that time period, Counsel will be representing another client in an arbitration proceeding and will be unable to participate in oral argument on December 14, 2022. Counsel has conferred with the Counsel for Respondent. Respondent does not oppose this motion.

Dated: October 17, 2022

Respectfully submitted,

/s/ Andrew D. Prins

Philip J. Perry

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*Counsel for Petitioner Fontem US, LLC*

### **CERTIFICATE OF COMPLIANCE**

I certify that this motion complies with the type-volume limitations of the Federal Rule of Appellate Procedure 27(d) because it contains 133 words, excluding the parts of the brief exempted by Federal Rule of Appellate Procedure 32(f) and Circuit Rule 32(e)(1).

This motion complies with the typeface and type style requirements of Federal Rules of Appellate Procedure 32(a)(5) and 32(a)(6) because this motion has been prepared in proportionally spaced, 14-point Times New Roman typeface using Microsoft Word 2016.

/s/ Andrew D. Prins

Andrew D. Prins